

## HUMAN SERVICES BOARD

# INTRODUCTION

## FINDINGS OF FACT

3. The petitioner did not appear at the scheduled fair hearing and did not notify the Department or the Board that she would be unable to attend.

4. On June 29, 2007, the Board mailed the petitioner a letter pursuant to Fair Hearing Rule No. 14 informing petitioner that her appeal would be dismissed unless she contacted the Board within seven days to show good cause for her failure to appear.

5. Petitioner did not respond to the June 29, 2007 letter. At the July 18, 2007 Board meeting, the Board ordered the petitioner's appeal dismissed. The Order was entered on July 19, 2007 and mailed to the petitioner. The Order included a provision that it could be appealed to the Vermont Supreme Court within thirty days.

6. On August 15, 2007, the Board received a letter from the petitioner asking that her case be reopened. In her letter, petitioner wrote that she had been homeless and ill. Petitioner also wrote that she now had permanent housing.

7. A telephone status conference was held on September 18, 2007. Petitioner confirmed that she was permanently housed and no longer in need of temporary housing assistance. Petitioner stated that she is unhappy with the manner in which Department employees interact with her.

ORDER

The petitioner's Motion to Reopen this matter is denied as moot.

REASONS

The petitioner requests that the Board reopen her case. Although the Board has the inherent authority to vacate its own Orders, this case does not present a sufficient basis for doing so. See Fair Hearing Nos. 16,128; 14,882; 11,281; and 9,403.

Even assuming for the sake of argument that the petitioner has grounds to reopen her case, there is no purpose for doing so. Petitioner's case is moot. She no longer has an actual controversy that the Board can address. Petitioner no longer needs General Assistance for temporary housing since she is in permanent housing.

As a general rule, the Vermont Supreme Court stated that a case becomes moot "when the issues presented are no longer 'live' or the parties lack a legally cognizable interest in the outcome." In Re S. H., 141 Vt. 278, 280 (1982). In Re Moriarty, 156 Vt. 160, 163 (1991) (change in facts can render once live controversy moot); Winton v. Johnson & Dix Fuel

Corp., 147 Vt. 236 (1986); see also Wild v. Brooks, 177 Vt. 171 (2003); Fair Hearing No. 16,128.

Applying these principles to the petitioner's appeal, the Board must conclude that there is no "live" issue. The petitioner appealed because she disagreed with a Department determination that she was ineligible for temporary housing.<sup>1</sup> Petitioner is now housed. The facts have changed rendering the controversy moot. The Motion to Reopen should be denied as the underlying controversy is moot.

# # #

---

<sup>1</sup> Petitioner is aggrieved by individual caseworker treatment of her. The petitioner can seek relief through Department channels.